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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,
12
13 vs.
14
15 CHRISTY LUNSFORD,
16
17 Defendant.

CASE NO.: 2:18-cr-00272-RFB-GWF
**STIPULATION TO CONTINUE
SENTENCING**
(FIRST REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant CHRISTY
16 LUNSFORD, by and through her attorney, LUCAS J. GAFFNEY, ESQ.; and the United
17 States of America, by and through DAYLE ELIESON, United States Attorney; and M.
18 SCOTLAND MORRIS, Special Assistant United States Attorney, that the sentencing hearing
19 currently scheduled for January 3, 2019 at the hour of 2:00 p.m. be vacated and continued to a
20 date and time after February 2, 2019, that is convenient to this Honorable Court. The request
21 for a continuance is based upon the following:

- 22
- 23 1. The additional time requested by this Stipulation to Continue Sentencing Hearing is
24 reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may,
for good cause, change any time limits prescribed in this rule.”
 - 25 2. The United States Probation office (“U.S. Probation”) has been ordered to complete
26 LUNSFORD’S Presentence Investigation Report (“PSR”). Pursuant to LCR 32-1(a),
27 LUNSFORD’S PSR must be disclosed to the parties at least thirty-five (35) days before
28 sentencing.

- 1 3. LUNSFORD requires additional time to gather documentation for her PSR regarding
2 her mental health issues. As of the date of this stipulation, LUNSFORD cannot provide
3 all necessary documentation to U.S. Probation, which will result in an incomplete PSR,
4 or an inability of U.S. Probation to meet the 35-day deadline to disclose the PSR to the
5 parties. This request takes into account the time needed to obtain the records, as well as
6 the time needed for U.S. Probation to verify the information provided by LUNSFORD,
7 and to draft the PSR.
- 8 4. LUNSFORD is not currently in custody and has no objection to the continuance.
- 9 5. Defense counsel has spoken to Special Assistant United States Attorney, M.
10 SCOTLAND MORRIS, and the Government has no objection to the continuance.
- 11 6. The additional time requested herein is not sought for the purposes of delay.
- 12 7. Additionally, denial of this request for a continuance could result in a miscarriage of
13 justice.

14 This is the first stipulation to continue sentencing filed herein.

15 DATED: November 14, 2018.

16 Respectfully submitted,

17 /s/ Lucas Gaffney
18 LUCAS J. GAFFNEY, ESQ.
19 GAFFNEY LAW
20 1050 Indigo Drive, Suite 120
21 Las Vegas, Nevada, 89145
22 Attorney for Christy Lunsford

23 /s/ M. Scotland Morris
24 M. SCOTLAND MORRIS
25 501 Las Vegas Blvd. South, Suite 1100
26 Las Vegas, Nevada, 89101
27 Special Assistant United States Attorney
28 District of Nevada

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTY LUNSFORD,

Defendant.

CASE NO.: 2:18-cr-00272-RFB-GWF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The additional time requested by this Stipulation to Continue Sentencing Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
2. The United States Probation office (“U.S. Probation”) has been ordered to complete LUNSFORD’S Presentence Investigation Report (“PSR”). Pursuant to LCR 32-1(a), LUNSFORD’S PSR must be disclosed to the parties at least thirty-five (35) days before sentencing.
3. LUNSFORD requires additional time to gather documentation for her PSR regarding her mental health issues. As of the date of this stipulation, LUNSFORD cannot provide all necessary documentation to U.S. Probation, which will result in an incomplete PSR, or an inability of U.S. Probation to meet the 35-day deadline to disclose the PSR to the parties. This request takes into account the time needed to obtain the records, as well as the time needed for U.S. Probation to verify the information provided by LUNSFORD, and to draft the PSR.
4. LUNSFORD is not currently in custody and has no objection to the continuance.
5. Defense counsel has spoken to Special Assistant United States Attorney, M. SCOTLAND MORRIS, and the Government has no objection to the continuance.
6. The additional time requested herein is not sought for the purposes of delay.

1 7. Additionally, denial of this request for a continuance could result in a miscarriage of
2 justice.

3 This is the first stipulation to continue sentencing filed herein.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interests of
6 the public in proceeding with the sentencing hearing as scheduled, since the failure to grant
7 said continuance would be likely to result in a miscarriage of justice, would deny the defendant
8 sufficient time and the opportunity within which to be able to effectively and thoroughly
9 prepare for sentencing, taking into account the exercise of due diligence.
10

11 **ORDER**

12 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for January
13 3, 2019, be vacated and continued to the 8th day of February, 2019, at the hour of
14 2:00 PM.
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18 DATED AND DONE this 16th day of November, 2018.

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21 RICHARD F. BOULWARE, II
22 UNITED STATES DISTRICT JUDGE
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